

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Klaus BOSSLET et al.

Examiner: Elli Peselev

Serial No.: 10/728,098

Group Art Unit: 1623

Filed: December 5, 2003

Confirmation No.: 7295

Title: EFFECTOR CONJUGATES. METHODS FOR THEIR PREPARATION AND
THEIR PHARMACEUTICAL

PETITION UNDER 37 C.F.R. § 1.183
REQUESTING DELAYED ACCEPTANCE OF THE APPLICATION TO ADJUST FOR
PATENT TERM UNDER 37 C.F.R. § 1.705(b).

Mail Stop : Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a petition under 37 C.F.R. § 1.183 to request delayed acceptance of an Application for Patent Term Adjustment pursuant to 37 C.F.R. § 1.705(b) in which Applicants' request adjustment of the patent term indicated in the Notice of Allowance mailed on 17 December 2008.

The Patent Term Adjustment request is being filed one day after the payment of the issue fee and is therefore untimely filed under 37 C.F.R. § 1.705(b). The issue fee was scheduled to be paid today, 17 March 2009. It is counsel's normal practice to pay issue fees the day before the due date. In this application, however, the applicants had inquired about the possibility for reconsideration of PTA, and undersigned's staff, unaware of the possibility that Applicants might decide to file an Application for Patent Term Adjustment, inadvertently paid the issue fee one-day early on 16 March 2009. Undersigned

Adjustment date: 08/31/2009 LDIEP1
03/18/2009 INTEFSW 00010471 10728098
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transmittal on March 16. The following day (today), March 17, the actual due date of the issue fee, applicants instructed counsel to request PTA reconsideration.

Thus, in the interests of justice, it is urged that the USPTO accept the one day late delayed application for Patent Term Adjustment and waive the rule that the application be filed before the issue fee payment. Had Applicants not inadvertently paid the issue fee one day early, an application for Patent Term Adjustment would have been timely filed.

In summary, in the interest of justice, Applicant's respectfully request that the Commissioner waive for one day the regulation under 37 C.F.R. § 1.705(b) that requests for term adjustment be filed before the payment of the issue fee.

Pursuant to 37 CFR 1.117(h) the required \$130 fee is being paid herewith, via the USPTO's electronic filing system (by authorization to charge such fee to Applicant's Deposit Account No. 13-3402).

Accordingly, Applicants respectfully request that the application to adjust the PTA specified in the Notice of Allowance be considered.

The Commissioner is hereby authorized to charge any additional fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Harry Shubin/

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Attorney Docket No.: **DORRIE-0007**
Date: **17 March 2009**